

4515
1 BILL NO. X-79-06-33 (as amended)

2 ANNEXATION ORDINANCE NO. X-

07-79

3 AN ORDINANCE annexing certain territory
4 to the City of Fort Wayne, and including
5 the same in Councilmanic District No. 4
6 effective February 26, 1980. (Amended 10/9/79 in Committee
February 1, 1980 by John H. Logan, Attorney for
Common Council)

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,

8 INDIANA:

9 SECTION 1. That the following described territory be and the same,
10 is hereby annexed to and made a part of the corporation of the City of Fort
Wayne, Indiana, effective February 26, 1980, to-wit:

11 Part of Sections 4 and 5, Township 30 North, Range 12
12 East, more particularly described as follows:

13 Beginning on the west line of Lot #4 Romys Sub. as
14 recorded in Plat Book 5, Page 6, and the north right-
15 of-way of Illinois Rd; thence north on said west line
16 to the south right-of-way line of the Penn-Central
Railroad; thence southeasterly along said right-of-way
to the north right-of-way of Illinois Road; thence
west along the north right-of-way to the point of
beginning; containing approximately 55 acres.

17 SECTION 2. Governmental and proprietary services of the City of
18 Fort Wayne will be provided to the above described area within a period of
19 three (3) years of annexation in a manner that is substantially equivalent in
20 standard and scope to the governmental and proprietary services furnished by
21 the City to other areas of the City which have characteristics of topography,
22 patterns of land utilization and population density similar to said described
23 territory.

24 SECTION 3. The procedures for providing governmental and proprietary
25 services to the above described area are outlined in the fiscal plan for the
26 area developed by the Department of Community Development and Planning, which
27 plan is examined, approved and adopted by the Common Council prior to the
28 passage of this ordinance.

29 SECTION 4. Said annexed territory shall be part of Councilmanic
30 District No. 4 of the City of Fort Wayne, Indiana as described in Section 2-9
31 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.
32

1 SECTION 5. After its passage, approval by the Mayor, final
2 publication and the required sixty (60) day remonstrance period, this
3 ordinance shall be in full force and effect on February 28, 1980.

February 1, 1980
10-9-79
Commissioner
William N. Salin
for Councilman

James L. Salin

Councilman

27
28 APPROVED AS TO
29 FORM & LEGALITY

William N. Salin
.....
30 William N. Salin, City Attorney
31
32

Read the first time in full and on motion by Stier, seconded by Hugh, and duly adopted, read the second time by title and referred to the Committee on Annexation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.
DATE: 6-26-79 Charles W. Winters
CITY CLERK

Read the third time in full and on motion by Stier, seconded by Talarico, and duly adopted, placed on its passage.
PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-VIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>1</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUITER</u>	<u>X</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 10-9-79.

Charles W. Winters
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ZONING MAP) (GENERAL) (ANNEXATION) ~~(SPECIAL)~~ (APPROPRIATION) ORDINANCE
(RESOLUTION) No. X-07-79 on the 9th day of October, 1979.
ATTEST: (SEAL)

Charles W. Winters
CITY CLERK

Winifred C. Waco JR
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A. M., E.S.T.
Charles W. Winters
CITY CLERK

Approved and signed by me this 17 day of October, 1979
at the hour of 10 o'clock 9 M., E.S.T.

Robert E. Clements
MAYOR

Bill No. X-79-06-33

(as amended)

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance
annexing certain territory to the City of Fort Wayne, and
including the same in Councilmanic District No. 4 effective
February 28, 1980
(K-Mart West Annexation)

Committee amended the date from 2/28/80 to 2/1/80
per the request of W.T. Hinga

JTH
10/2/79

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS. as amended

JAMES S. STIER - CHAIRMAN

WILLIAM T. HINGA - VICE CHAIRMAN

VIVIAN G. SCHMIDT

JOHN NUCKOLS

SAMUEL J. TALARICO

JTH
William T. Hinga
Vivian G. Schmidt

Samuel J. Talarico

DATE

10-4-79
CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

AN ORDINANCE annexing certain territory to the City of Fort Wayne, and including the same in Councilmanic District No. 4 effective February 28, 1980.
February 1 , 1980

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the following described territory be and the same, is hereby annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, effective February 28, 1980, to-wit:

Part of Sections 4 and 5, Township 30 North, Range 12 East, more particularly described as follows:

Beginning on the west line of Lot #4 Romys Sub. as recorded in Plat Book 5, Page 6, and the north right-of-way of Illinois Rd; thence north on said west line to the south right-of-way line of the Penn-Central Railroad; thence southeasterly along said right-of-way to the north right-of-way of Illinois Road; thence west along the north right-of-way to the point of beginning; containing approximately 55 acres.

Section 2. Governmental and proprietary services of the City of Fort Wayne will be provided to the above described area within a period of three (3) years of annexation in a manner that is substantially equivalent in standard and scope to the governmental and proprietary services furnished by the City to other areas of the City which have characteristics of topography, patterns of land utilization and population density similar to said described territory.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of one (1) year of the effective date of annexation governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years of the effective date of annexation in the same manner as such services are provided to areas already in the City with similar topography patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

SECTION 3. The procedures for providing governmental and proprietary services to the above described area are outlined in the fiscal plan for the area developed by the Department of Community Development and Planning, which plan is examined, approved and adopted by the Common Council prior to the passage of this ordinance.

Section 3. Governmental and proprietary services will be provided to the above described territory in a manner consistent with the written fiscal plan for the territory developed by the Department of Community Development and Planning. Said plan was examined by the Common Council and is approved and adopted by the Common Council by the passage of this Ordinance.

SECTION 4. Said annexed territory shall be part of Councilmanic District No. 4 of the City of Fort Wayne, Indiana as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

SECTION 5. After its passage, approval by the Mayor, final publication and the required sixty (60) day remonstrance period, this ordinance shall be in full force and effect on ~~February 28, 1980.~~
February 1, 1980

Councilman

APPROVED AS TO FORM AND LEGALITY

ANNEXATION ORDINANCE NO. X-
AN ORDINANCE annexing certain territory
to the City of Fort Wayne, and including
the same in Councilmanic District No. 4
effective February 28, 1980.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be,
and the same is hereby, annexed to and made a part of the corporation
of the City of Fort Wayne, Indiana, effective ~~December 31, 1979~~, to-wit:
FEBRUARY 28, 1980

Part of Sections 4 and 5, Township 30 North, Range 12
East, more particularly described as follows:

Beginning on the west line of Lot #4 Romys Sub. as re-
corded in Plat Book 5, Page 6, and the north right-of-
way of Illinois Rd; thence north on said west line to
the south right-of-way line of the Penn-Central Rail-
road; thence southeasterly along said right-of-way to
the north right-of-way of Illinois Road; thence west
along the north right-of-way to the point of beginning;
containing approximately 55 acres.

SECTION 2. Governmental and proprietary services of the
City of Fort Wayne will be provided to the above described area within a
period of three (3) years of annexation in a manner that is substantially
equivalent in standard and scope to the governmental and proprietary ser-
vices furnished by the City to other areas of the City which have charac-
teristics of topography, patterns of land utilization and population den-
sity similar to said described territory.

SECTION 3. The procedures for providing governmental
and proprietary services to the above described area are outlined in the fis-
cal plan for the area developed by the Department of Community Development
and Planning, which plan is examined, approved and adopted by the Common
Council prior to the passage of this ordinance.

SECTION 4. Said annexed territory shall be part of
Councilmanic District No. 4 of the City of Fort Wayne, Indiana as described
in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana,
1974.

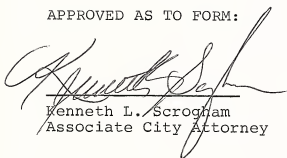
Annexation Ordinance
Bill No. X-79-

Page two

SECTION 5. After its passage, approval by the Mayor, final publication and the required sixty (60) day remonstrance period, this ordinance shall be in full force and effect on February 28, 1980.

Councilperson

APPROVED AS TO FORM:



Kenneth L. Scroggins
Associate City Attorney

RESOLUTION OF THE CITY PLAN COMMISSION

WHEREAS, the Common Council of Fort Wayne, Indiana referred a proposed annexation for the K-MART, WEST area, Bill No. X-79-06-33; and,

WHEREAS, the City Plan Commission reviewed such proposed ordinance and fiscal plan on August 27, 1979;

NOW, THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that the advantages to the City outweigh the disadvantages, the annexation will be in the best interest of and to the area involved and of and to the City, the City would continue to realize an active growth from the standpoint that development has already taken place around the City, and the annexation will not be detrimental to and does not conflict with the overall City plan;

BE IT FURTHER RESOLVED that the Commission proposes February 1, 1980 as the effective date for Bill No. X-79-06-33;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council.

This is to certify that the above resolution was adopted at the meeting of the City Plan Commission held August 27, 1979.

Thomas G. Adams

Thomas G. Adams
Secretary

Certified and signed this _____ day of _____, 1979.

Memorandum

To Members of City Council

Date August 28, 1979

From A. Paul Norby / C D & P

Subject K-Mart West Annexation

COPIES TO:

Paul Burns
Vivian Schmidt
Samuel Talarico
John Nuckols
Donald Schmidt
William Hinga
Fredrick Hunter
Winfield Moses
James Stier
Charles Westerman
John Logan
Ken Scroggum
Ken McCrory
Paul Zisla

At the August 27, 1979 meeting of the City Plan Commission a resolution was passed recommending that the Council give a DO PASS to Bill No. X-79-06-33 for the annexation of K-Mart West. An effective date of February 1, 1980 was recommended. This resolution is attached along with the original proposed ordinance, the annexation fiscal plan and a proposed revision of the ordinance. The Council has also received Bill No. R-79-08-38 which is a resolution setting forth the policy of the City in regard to the annexation of K-Mart West.

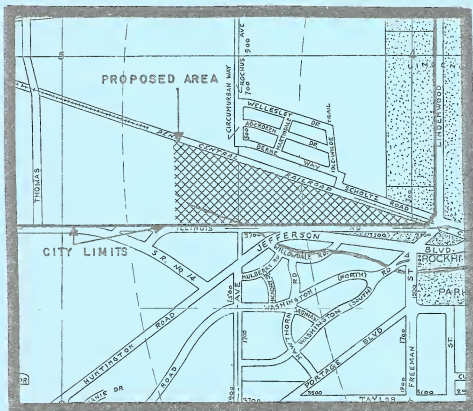
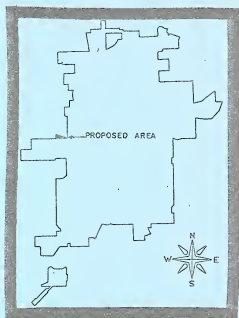
The proposed revised ordinance is similar to the one for Concordia Gardens in that Sections 2 and 3 have been modified to accommodate the revised State Annexation law, IC. 18-5-10-25. Also, February 1, 1980 has been substituted for February 28, 1980 as an effective date. Bill No. R-79-08-38 should be considered before the annexation itself is voted upon. This insures better uniformity with Indiana annexation law.

K-Mart West is a commercial area of approximately 56 acres to the west of Fort Wayne. It is 67% vacant and completely zoned for light industrial and general business use. Part of the area is already served by City Utilities sewer and water facilities. The K-Mart itself was funded through a Fort Wayne Economic Development Commission bond. Therefore, it is clear that this area is part of the Fort Wayne urban community.

Our staff will be available to answer your questions about this annexation. Please let us know the date of any public hearing as well as committee sessions pertaining to it.

K-MART WEST ANNEXATION

bill no. X-79-06-33



City of Fort
Wayne Dept.
of C.D.&P

INTRODUCTION

Every year the Fort Wayne Urban community grows with most of the growth occurring outside the current city limits. For the City of Fort Wayne to be financially capable of providing urban services effectively throughout the community it must also grow. Annexation allows the City to grow and thereby assure its ability to provide services, and to maintain the community's viability.

One area of rapid urban growth is the K-Mart West annexation area. Located west of the City in Wayne Township, this is one area that is absorbing some of the movement of commercial establishments out of the City as well as some of the business expansion in suburban areas.¹ Business growth is also taking place west of the proposed annexation area along S.R. 14. (Illinois Road.)

Annexation of K-Mart West follows the strategy of² annexing urban and urbanizing land contiguous to the corporate limits. This area is zoned for commercial and industrial uses, is developing rapidly, the establishments in it serve the urban community, and it is adjacent to extensively developed areas as well as the city limits. It is an appropriate location for adjacent urban growth, which allows for the orderly and efficient provision of urban services.

The K-Mart West area meets the necessary criteria for annexation in the three ways stipulated by Indiana law (I.C. 18-5-10-25). It is at least one-eighth (1/8) contiguous to the city limits, is commercially and industrially zoned, and a fiscal plan for providing municipal and proprietary services to the area has been developed.

The following report describes the area, sets forth a municipal service plan, summarizes the financial impact of annexation upon the City, and recommends a course of action.

-
1. Community Development and Planning, The Fort Wayne Economy, March, 1976.
 2. Community Development and Planning, Annexation: Policy and Program Study, 1976.

BASIC DATA

1. Location

The proposed annexation area is located generally west of the City in Wayne Township as follows: north of Illinois Road, west of Lindenwood, south of the Penn Central Railroad, and east of the intersection of State Road 14 (Illinois Road) and Upper Huntington Road.

2. Size

56.36 acres or .09 square miles.

3. Population/Density

There is one apartment in the area. Using a density factor of 2.5 for such units there are 2 persons living in the annexation area. There are 180 persons employed in the annexation area.

4. Buildings

<u>Type</u>	<u>Number</u>	<u>Condition</u>
Commercial	11	Good-Excellent
Residential (Dwelling unit in a commercial structure)	1	Good

5. Land Use

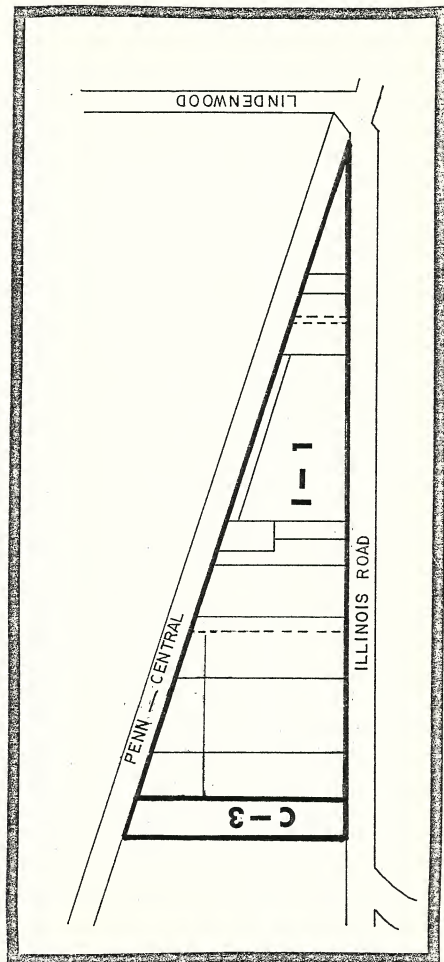
<u>Use</u>	<u>Area</u>	<u>Percentage</u>
Residential	-0-	-0-
Commercial	18.74 Acres	33.2
Vacant	37.62	66.8

6. Zoning

<u>Percent</u>	<u>County Zone</u>	<u>Description</u>	<u>City Zone</u>	<u>Description</u>
23.7	C-3	Gen. Commercial	B3B	Gen. Business
76.3	I-1	Lt. Industrial	M1	Lt. Industrial

-
1. Burchell Robert and David Listokin, the Fiscal Impact Handbook, the Center for Urban Policy Research, New Brunswick, N.J., 1978, P.279.

COUNTY ZONING



7. Planning

Currently about sixty-seven percent (66.8%) of the proposed K-Mart annexation area is undeveloped. The entire area is zoned for commercial and industrial development. Given current trends of commercial development locating in fringe and suburban areas, and given the overall growth expected in the community, this area holds great potential for further commercial development. Furthermore, continued commercial development is likely west of the annexation area along State Road 14.

Access to the area is already available via SR 14 and Upper Huntington Road (Jefferson Blvd.) which was formerly U.S. 24. An easement for the planned Ardmore-Hillegas Corridor runs through the area. Should that corridor be built, access to the area will become even better. This could encourage more rapid development of the area and of adjacent land.

As will be shown in the municipal services section, the K-Mart West area is well within a reasonable urban service area for the City. Therefore, it can be readily provided with urban services.

Many services, such as city water and sewer are already in place. Also, the adjacent street, Illinois Road, is well lighted with City owned and maintained street lights. Annexation of this area is thus a logical extension of the City limits and assists the City in growing along with the urban area.

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1. Community Development and Planning, The Fort Wayne Economy, March, 1979. And, Allen County Plan Commission, State Road 14 Corridor Study, 1974.

MUNICIPAL SERVICES

State law requires that within one (1) year of annexation, the City provides the annexed area with "planned services of a noncapital nature" which are "equivalent in standard and scope" to those noncapital services provided to similar areas in the City. The law also requires "that services of a capital improvement nature... be provided within three (3) years of the effective date of the annexation, in the same manner as those services are provided" to similar areas within the City. Cost estimates of the services, methods of financing the services, and a plan for the organization and extension of services are also required. (I.C. 18-5-10-25 (C)). This report contains a fiscal plan for doing so.

In 1970 the Fort Wayne City Council adopted Resolution No. R-83-70 (Bill No. R-70-07-24) that set forth a policy for providing services to newly annexed areas. This plan follows the directives of Resolution R-83-70 while conforming to existing laws, rules and regulations.

Municipal services are analyzed in terms of the needs of the K-Mart West annexation area and the costs of providing the services to the area. As required by Indiana law, services will be provided in a manner that treats the K-Mart West area the same way as similar areas in the City are treated. Services will be at City standard, and, where necessary for items such as new utility service, the standard service provision processes will be used just as they are used elsewhere in the City of Fort Wayne.

The City of Fort Wayne will provide police and fire protection, emergency medical service, traffic control, solid waste collection, and street and road maintenance immediately upon annexation. Street lighting and street construction will be provided in accordance with the standard processes of the City, which can include property owner petitioning and financial participation. The water, sewer and drainage services of the Fort Wayne City Utilities will be made available to the area in conformance with relevant State law and Utility policies. The Park facilities of the City will be available to residents with park development in the area contingent upon the park planning standards and methods used throughout the community. The specifics of implementing these services in the K-Mart West annexation area are presented in the following reports.

This is a plan to provide municipal services, which the City of Fort Wayne is committed to do. The exact implementation details may change as needs are re-evaluated and services re-allocated throughout the entire city. Standard city policy could also change, necessitating change in the manner and amount of service provided. Regardless of the change in details, the services will be provided to the K-Mart West area in the same manner and level that they are provided elsewhere in the City.

1. Police

The Fort Wayne Police Department will become responsible for servicing the K-Mart West area immediately upon annexation. This service generally includes the prevention and detection of criminal offenders, assistance for those who cannot care for themselves or who are in danger of physical harm, the resolution of day to day con-

licts among family, friends, and neighbors, and the creation of maintenance of a feeling of security in the community. The Police Department is also involved in legal work such as participation in court proceedings and protection of constitutional guarantees. Furthermore, it is responsible for the control of traffic and the promotion and preservation of civil order.

The location, size and character of the area has been analyzed by the Police Department and an estimate made of the cost of providing police service to the area. Police District #5 is adjacent to the area and will be expanded to allow for police coverage. It was determined that 10 trips a day would be the maximum number needed for the area and that this would be physically feasible given the patrol patterns in District #5. This should be adequate for routine patrols and for responding to calls for service. There will, of course, be daily variations in the number of police runs into the area. The Chief of Police will routinely evaluate the requirements of the area and make necessary adjustments in police districts, patrol patterns and manpower.

Using a maximum of 10 patrols daily, and calculating the cost of this in officer-time and equipment used, it would cost an estimated \$8,030 annually to provide the K-Mart West area with police service. The City is already handling fire and emergency medical service communications for the area, so no additional communications personnel or equipment are required to handle the expected police calls.

Regardless of the eventual cost, the Police Department will provide the area with service substantially equivalent to that provided similar areas within the City. Service will begin upon annexation with adjustments in the provision of service to be based on constant evaluation of the area's and City's needs.

Funding for the manpower and equipment used to serve the area will come from the regular Police Department Budget which is derived primarily from local property taxes through the General Fund. Any monies allocated to the General Fund can be used for this budget and these services.

ESTIMATED ANNUAL COST: \$8,030

2. Fire

The Fort Wayne Fire Department will provide immediate service to the K-Mart West area upon annexation. The services provided are the suppression of fire, fire prevention education, and fire inspections of churches and all commercial establishments.

Fire protection is already provided immediately south of the K-Mart West annexation area. In fact, this annexation area is closer to a Fire Station than other similar areas already within the City. Therefore, it is clear that the response time and service will be substantial equivalent to that provided similar areas already within the City.

Response to calls for service can come from Station #7

at Lindenwood and Spring, and from Station #2 on Taylor. In the case of a fire at a commercial establishment both units respond with assistance from Station # 1 at the corner of Main and Lafayette.

This annexation would not require additional personnel, equipment nor fire stations. The only cost would be for operating expenses. Funding would be through the regular Fire Department Budget which comes out of the General Fund and is raised mostly by local property taxes.

ESTIMATED ANNUAL COST: \$ 280.00

1.

3. Emergency Medical Service

Immediately upon annexation, the K-Mart West annexation area will receive full time emergency medical service coverage from the Fort Wayne EMS Department. This includes ambulance coverage and first aid treatment to victims of heart attacks, automobile and other accidents, and to others requiring immediate medical attention.

EMS response will usually come from the unit stationed at Fire Station #1 in downtown Fort Wayne. On certain runs the Fort Wayne Fire Department will provide the initial response and extra assistance. This can come from either Station #7 at Spring and Lindenwood or from Station #2 on Taylor Street.

The Fire Department is training its personnel so that in the near future there will be a trained emergency medical technician at each station and on all runs. They will be able to administer medical treatment before the ambulance arrives to transport the victim.

The City is already providing emergency medical service to areas immediately south of the K-Mart West annexation area. Thus, response to the proposed annexation area will be just as rapid and in the same manner as that to other areas in the City.

Usually the estimated cost of EMS services is computed by a per capita method using the residential population of an area. In this case the number of workers in the area (it is commercial in character) was used instead of residential population. An adjustment was then made to account for the fact that the number of EMS runs per 1000 of workers and shoppers is different than the number of EMS runs for residential areas.

Using this method, the maximum expected number of annual EMS runs to K-Mart West is 36. At \$ 30 per run the annual cost is estimated at \$ 1,080. These costs will be a part of the EMS budget which is based on local property taxes and comes out of the General Fund. This could be replaced in the near future by a user fee system. Regardless, full EMS service will be provided the annexation area immediately upon annexation.

ESTIMATED ANNUAL COST: \$1,080

1. An estimate was made of the annual number of fire runs and EMS support runs. Using an average cost for each piece of equipment that rolls on each run an annual cost was calculated. Labor was not included as no additional personnel is needed.

4. Solid Waste Collection

As soon as the KMart West area is annexed, the City will begin providing solid waste collection to residential units.

Under the terms of the present contract with National Serv-all, the annual cost of solid waste collection is \$40.00 per household. With one residential unit in the area, the total annual cost for solid waste collection will be \$40.00. The City will pay this cost from the General Fund.

5. Traffic Control

The City of Fort Wayne will assume responsibility for traffic control in this area upon annexation. Since there are no public roads in this area and, since Illinois Road is already in the City, these responsibilities are highly limited. The City does concern itself with access onto Illinois Road, but this is not a new responsibility. With new development in the area there will be a review of development plans. There is no way to ascertain how much of this will be required or when. Nor can the cost be estimated for this administrative function. Future construction of the Ardmore Corridor through the area could involve some expenses; however, the project is several years away and will probably be funded with FAU monies - (See Street and Road report and Financial Summary). In sum, no annual or capital costs are anticipated.

6. Street Lighting

There will be no costs for street lighting as no roads are being annexed and Illinois Road is already lighted. Future development of the Ardmore Corridor through the area will involve street lighting. The Corridor is several (more than three) years away and in all probability funding will be through FAU and other non-local sources. (See Financial Summary)

7. Streets and Roads

Since there are no public streets or roads in the area there will be no street maintenance or construction costs. Part of the proposed Ardmore-Hillegas Corridor goes through this area. As already stated, construction is certainly several years away. Funding will be primarily FAU funds with some ARS funds.

8. Parks

After annexation, the residents of the area will continue to be able to use all the facilities provided by the Fort Wayne Department of Parks and Recreation. No additional parks are needed in the area because of the low residential population.

9. General Administrative Functions

Upon annexation all administrative functions of the City will be available to the annexation area. This includes, but is not limited to, The Law Department, The City Plan Commission, The Mayors Office, The Board of Works, Metropolitan Human Relations, and so on. Under the rubric of General Administration would be included all the regulatory and program functions of the various City departments. When the K-Mart annexation becomes effective City departments will be notified and will expand their jurisdictional areas accordingly.

The costs of these services can not be directly related to the size or population of an area. Consequently, this plan does not include cost estimates. It is, however, the position of the City Controller that an expansion of the size proposed here can be absorbed by the City departments through their regular budgets. These budgets are developed with consideration of annexation. Therefore, expansion of administrative functions is possible. Funding comes from a variety of resources including the General Fund, monies from the State (MVH for example) and in some cases, Federal Grants.

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1. Community Development and Planning, Annexation Program and Policy Study, 1976.

FORT WAYNE UTILITIES

Water and sewer services are currently being provided the K-Mart West annexation area by Fort Wayne City Utilities. These services are paid for with user charges and tap fees and not through Civil City property tax revenues.

1. Water

The Fort Wayne Water Utility is currently serving the proposed annexation area. There is a 12" main and a 16" main adjacent to the area. These are fully capable of providing adequate water service to additional development in the area. Distribution mains would be extended to such development at the developers' expense.

2. Fire Hydrants

Within the corporate limits, the Civil City pays the Water Utility a rental fee for fire hydrants. Fire hydrants are presently located on the south side of Illinois Road and already in the City. Therefore, there will be no additional fire hydrant rental expense for the Civil City because of this annexation.

3. Sanitary Sewers

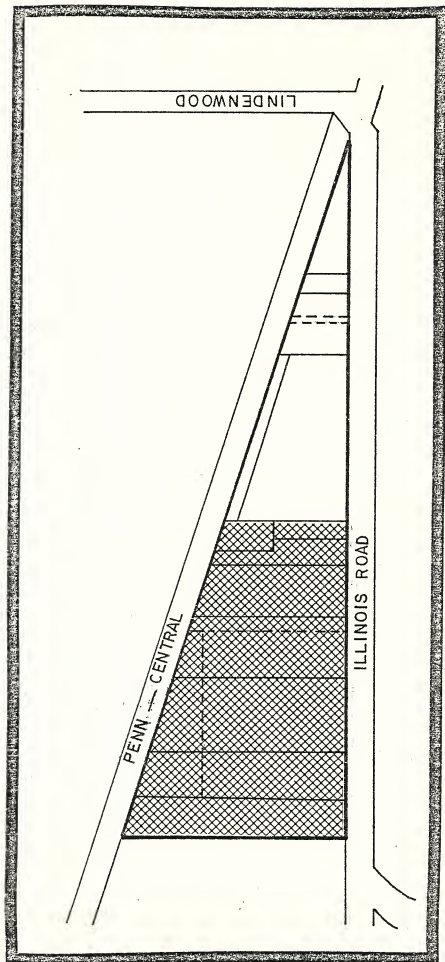
Much of the area is already served with City Utilities sanitary sewers. (See Map) The remaining areas can be served by extensions of the line already in the area. This would be paid for by the developer of the property, with Water Pollution Control Engineering review of the engineering and installation.

4. Storm Drainage

Since there are no public right-of-ways in the area, there are no public storm drainage facilities in the area and none will be provided by the City. The City will, however, regulate storm drainage facilities constructed within the area to accommodate any new development. These will be the responsibility of the developers and adequate drainage will be required. If and when the Ardmore Corridor is constructed, storm drainage will be provided as part of that project. Again, funding will be from FAU and ARS. (See Streets and Roads report.)

SEWER SERVICE

XXXX SEWERED



FINANCIAL SUMMARY

1. Revenue

The total assessed valuation for the K-Mart West annexation area was determined by obtaining the assessed valuation of each parcel of property from the Wayne Township Assessor. The land, real estate and personal property values for the total area are \$1,194,400. The City tax rate for 1979 is \$3.9068 per \$100 of assessed valuation. Therefore, the City would receive \$46,663 (1979 figure) in property tax revenue.¹

There is another source of revenue for the City based upon population. The four sources are the Motor Vehicle Highway Tax, Alcoholic Beverage Gallonage Tax, Cigarette Tax, and Cumulative Capital. The table below gives an estimate of the monies to be received.

<u>Revenue Source</u>		<u>K-Mart West Population</u>	<u>Total</u>
MVH	\$9.37/CAP	2	18.74
Alcoholic Gal	1.62/CAP	2	3.24
Cigarette	1.24/CAP	2	2.48
Cumulative Cap.	4.62/CAP	2	9.24
			\$33.70

The money received from the Alcoholic Gallonage and the Cigarette Tax are placed in the General Fund. The MVH revenue is placed in its own separate MVH fund. The Cumulative Capital revenue is placed in its own fund or upon approval of the City Council, it may be placed in the General Fund.

The amount of money the City receives from Federal Revenue Sharing, the Community Development Block Grant, and the Local Road and Street Fund is related to the City's population. Population is only one element of complex distribution formulas, so the direct contribution of K-Mart West cannot be calculated. Still, these funds should increase with population increases.²

2. Expenditures

Expenditures reported in the Municipal Services section are summarized here. They reflect current estimates of the costs of services to be provided directly to the K-Mart West annexation area. Only costs that will be incurred to the Civil City are reported as they are the ones that will result from the proposed annexation. For example, utility extension costs are not shown as they will be paid for by the property owners should they desire the improvements.

1. Although there was a recent reassessment, the old assessment figures were used because the tax rate that will be applied to the new values has not been determined yet.
2. The area must be in the City by December 31, 1979, for the City to receive these funds in the 1980's.

<u>Services</u>	<u>Capital Cost</u>	<u>Annual Operating Cost</u>
Police	-----	\$8,030
Fire	-----	280
EMS	-----	1,080
Solid Waste Collection	-----	40
Traffic Control	-----	-----
Street Lighting	-----	-----
Streets and Roads	-----	-----
Parks	-----	-----
General Administration	-----	-----
Fire Hydrants	-----	-----

3. Five Year Summary

The Five Year Summary shows year by year expenditures for the first five years after annexation compared with the tax revenue the City will receive from the area.

Costs included are those that will be incurred to the City from providing the non-capital and capital services required by Fort Wayne's annexation policy and by Indiana annexation law, I.C. 18-5-10-25. The costs of the Ardmore Corridor are not included as the start date of the project, the City share of the cost (if there even is any), and the cost of the portion through K-Mart West are all unknown. Utility extensions costs are not included as they will be paid for by the property owners.

An effective date of February 28, 1980 was assumed which is the date proposed by the annexation ordinance. Should annexation become effective on this date properties would be assessed for City taxes as of March 1, 1980 and taxes would be due in 1981. Changes in the effective date could have a slight influence on the Five Year Summary, but would not change the basic relationship of costs to revenue. Nor would it change the City's policy of providing services to the annexation area in accordance with State law.

The 1980 tax rate is not known yet, nor is the rate that will be applied to the new assessments. Therefore, the revenue that would result from the 1979 rate and applicable assessments is used as the base figure. Revenues are then increased according to Taxpayers Research Association's estimates of the effects of the State property tax law passed in 1979.

1. This is consistent with I.C. 18-5-10-25 as it follows regular Federal, State and local laws procedures and planning criteria.

Five (5) percent was used for this report as this is the expected amount of increase in the tax levy. Costs are inflated by a 10% inflationary factor for each year from the date of this report (1979).¹

<u>Year</u>	<u>Expenditures</u>	<u>Property Tax Revenue</u>	<u>Total</u>
1980	\$ 8,644	\$48,996	-\$ 8,644
1981	10,474	51,446	+ 40,972
1982	11,521	54,018	+ 42,497
1983	12,673	56,719	+ 44,046
1984	13,940	59,555	+ 45,615
			+\$164,586

SUMMARY AND RECOMMENDATIONS

1. Indiana Annexation Statutes

In order for the City to successfully annex an area, it must meet the necessary criteria for annexation as established by the Indiana Statute, I.C. 18-5-10-25. The Statute states that:

- A. "At least one-eighth (1/8) of the aggregate external boundaries of the area sought to be annexed coincide with the boundaries of the annexing city."

The K-Mart West annexation area is forty two (42) percent contiguous to the existing corporate limits on its eastern, western, and southern boundaries.

- B. (1) "The resident population of the area sought to be annexed is equal to at least three (3) persons for each acre of land included within its boundaries"...

or

- (2) "The land is zoned for commercial, business, or industrial uses."

or

- (3) Sixty percent (60%) of the land therein is subdivided.

Seventy-six (76) percent of the K-Mart West area is zoned commercially and twenty-four (24) percent is zoned industrially. Therefore, this proposed annexation meets criteria B. (2) above.

- C. "The annexing city has developed a written fiscal plan and has established a definite policy, by resolution of the common council, as of the date of passage of the annexation ordinance, showing:
- (1) the cost estimates of planned services to be furnished to the territory to be annexed;
 - (2) the method or methods of financing the planned services;
 - (3) the plan for the organization and extension of services;
 - (4) that planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services which are normally provided within the existing corporate boundaries, will be provided to the annexed territory within one (1) year from the effective date of annexation, and that they will be provided in a manner which is equivalent in standard and scope to those noncapital services provided to areas within the annexing city which have similar topography, patterns of land utilization, and population density; and

- (5) that services of a capital improvement nature, such as street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years of the effective date of the annexation, in the same manner as those services are provided to areas within the annexing city which have similar topography, patterns of land utilization, and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria; and
- (6) the plan for hiring the employees of other governmental entities whose jobs will be eliminated by the proposed annexation, but nothing herein shall require the annexing authority to hire any employees."

This document is the written fiscal plan which establishes a definite policy for providing municipal services to K-Mart West within the specific time limits, as required by the Indiana Code. Once the annexation is passed by the Common Council, this document will be adopted and become an official document of the City. When the annexation becomes effective City departments will be notified and will modify their jurisdictions accordingly so that the plan can then be implemented.

Police and fire protection, emergency medical services, solid waste collection, and traffic control services are considered essential for the health and safety of K-Mart West annexation area residents, patrons, and workers and will be available at standard levels upon annexation. All other non-capital services, such as street lighting, street maintenance, and all administrative functions of the City will also be provided upon annexation and in the same manner as they are normally provided within the City. As already indicated, at this time there are no public streets in the area so street lighting, street maintenance, and traffic control services are not required. Neither are additional park services as the area's population does not warrant additional service.

Future street improvements, (which would include street construction, lighting, traffic control and drainage facilities), i.e. the Ardmore Corridor, are planned, but not for the immediate (three year) future. This corridor is part of the regular area-wide transportation planning process (TIP) and involves more than just this annexation area or the Civil City budget. The portion through the K-Mart West area will be handled as part of a total project. This is consistent with the three (3) year requirement for capital services of IC 18-10-5-25 (5) since normal procedures and planning criteria are being used. Utility service is already in place for much of the area. Additional service is the responsibility of the property owners. This follows relevant Federal, State and local laws, procedures and planning criteria, thereby meeting the requirements of IC 18-5-10-25 (C) (5).

The cost estimates of the planned services were obtained from the service departments and are included in this document. The method or methods of financing for each service is also included, as well as the plan for the **organization and extension** of services.

The Financial Summary shows the cost of providing these services, as well as the additional revenue the Civil City will receive. Services that are to be paid for by the developer(s) of the vacant ground in the area, such as sanitary sewers and water, are not included. Neither are the costs for the proposed Ardmore Corridor. These costs will not be incurred by the Civil City, and the timing of such improvements is unknown. Furthermore, the K-Mart West annexation area includes only a small portion of the Ardmore project and no specific cost has been set for this section. Regardless of the cost or responsibility for such services and improvements, this area will be treated equally with similar ones in the City with respect to financing, regulation and other relevant procedures.

This annexation will not eliminate the jobs of any employees of other governmental entities, so no plans for the hiring of such employees are needed.

2. Fort Wayne's Annexation Policy

The Fort Wayne City Council has considered other annexation criteria in addition to those set forth by the State Statutes:

- A. The area proposed for annexation must have a unity of interest with the municipality.

The K-Mart annexation area is actually a part of the Fort Wayne urban community. The businesses in the area are patronized by local residents, serve other local businesses and are supported by the local economy. The businesses of the K-Mart West area are integral components of the local economy so their vitality is crucial for Fort Wayne.

- B. The advantages to the proposed annexation area must outweigh the disadvantages.

Much of the annexation area is already using City Utilities sewer and water service. Other services, such as Fire protection will benefit the area. More generally, annexation helps Fort Wayne remain a viable community. This is critical for the local economy and consequently the commercial concerns in K-Mart West. The only disadvantage is increased taxes.

- C. The advantages to the City must outweigh the disadvantages.

The City would grow along with the urban area, thereby providing a strong tax base and the ability to provide adequate services. Annexation of this area would help equalize the tax burden for commercial enterprises in the City and out. Currently such enterprises in the City pay City taxes and County taxes. Their City taxes do support services used by the entire community. Annexation would also facilitate more thorough and efficient provision of services.

- D. The deficit of income against expenses to the City must not be unreasonable.

As shown in the Five Year Summary, (page 14), there is a deficit in the first year after annexation of approximately \$ 8,644 . However, the deficit is made up in the second year, after annexation, and from then on the City would realize a positive income of approximately \$44,000 per year.

- E. The City must desire to annex the area.

The K-Mart West area is a logical extension of the City since it is already closer to the center of the City than adjacent areas in the City and it is likely that areas immediately west will be urbanized in the near future. Annexation of K-Mart West will help the City grow in a logical and orderly manner, as well as helping to preserve a solid tax base.

It is with careful thought and consideration that the Department of Community Development and Planning recommends that this area be annexed to the City of Fort Wayne, as it meets both the legal and local criteria for annexation.

LEGAL NOTICE

Notice is hereby given that on the 9th day of October, 1979, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the BILL NO. X-79-06-33 (AS AMENDED) following X-07-79 Annexation Ordinance, to-wit:

1 BILL NO. X-79-06-33 (AS AMENDED)

2 ANNEXATION ORDINANCE NO. X- 07-79

3 AN ORDINANCE annexing certain territory
4 to the City of Fort Wayne, and including
5 the same in Councilmanic District No. 4
6 effective February 1, 1980.

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
8 INDIANA:

9 SECTION 1. That the following described territory be and the same,
10 is hereby annexed to and made a part of the corporation of the City of Fort
11 Wayne, Indiana, effective February ~~28~~, 1980, to-wit:

12 Part of Sections 4 and 5, Township 30 North, Range 12
13 East, more particularly described as follows:

14 Beginning on the west line of Lot #4 Romys Sub. as
15 recorded in Plat Book 5, Page 6, and the north right-
16 of-way of Illinois Rd; thence north on said west line
17 to the south right-of-way line of the Penn-Central
18 Railroad; thence southeasterly along said right-of-way
19 to the north right-of-way of Illinois Road; thence
20 west along the north right-of-way to the point of
21 beginning; containing approximately 55 acres.

22 SECTION 2. Governmental and proprietary services of the City of
23 Fort Wayne will be provided to the above described area within a period of
24 three (3) years of annexation in a manner that is substantially equivalent in
25 standard and scope to the governmental and proprietary services furnished by
26 the City to other areas of the City which have characteristics of topography,
27 patterns of land utilization and population density similar to said described
28 territory.

29 SECTION 3. The procedures for providing governmental and proprietary
30 services to the above described area are outlined in the fiscal plan for the
31 area developed by the Department of Community Development and Planning, which
plan is examined, approved and adopted by the Common Council prior to the
passage of this ordinance.

SECTION 4. Said annexed territory shall be part of Councilmanic
District No. 4 of the City of Fort Wayne, Indiana as described in Section 2-9
of Article II of the Code of the City of Fort Wayne, Indiana; 1974.

31 or Article II of the Code of the City of Fort Wayne
1 SECTION 5. After its passage, approval by the Mayor, final
2 publication and the required sixty (60) day remonstrance period, this
3 ordinance shall be in full force and effect on February 1, 1980.
4
5
6
7

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight
Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt,
Stier, Talarico
Nays: One
Nuckols

Date: 10-9-79 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-07-79 on the 9th day of October, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-07-79 passed by the Common Council on the 9th day of October, 19 79, and that said Ordinance was duly signed and approved by the Mayor on the 17th day of October, 19 79 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 17th day of October, 19 79.

SEAL

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

4515

DIGEST SHEET

(As amended)
X-79-06-23

TITLE OF ORDINANCE K-Mart West Annexation ordinance

DEPARTMENT REQUESTING ORDINANCE C D & P

SYNOPSIS OF ORDINANCE Describes territory to be annexed, stipulates that the City will provide municipal services, and states the City's intention to follow the annexation fiscal plan to be prepared by CD&P and the City Plan Commission.

EFFECT OF PASSAGE Territory described by the ordinance is annexed to the City.
Other effects to be described by the annexation fiscal plan.

EFFECT OF NON-PASSAGE Territory is not annexed and does not become a part of the City.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) To be described by the annexation fiscal plan.

ASSIGNED TO COMMITTEE _____



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk - room 122

November 8, 1979

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

14/ Please give the attached full coverage on the dates of November
~~24~~ and November ~~24~~²¹, 1979, in both the News Sentinel and Journal
Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. X-79-06-33 (as amended)
Annexation Ordinance No. X-07-79
Bill No. X-79-10-33
Annexation Ordinance No. X-10-79

Bill No. X-77-06-27 (as amended)
Annexation Ordinance No. X-05-79
Bill No. X-79-10-31
Annexation Ordinance No. X-08-79

Bill No. X-77-07-45 (as amended)
Annexation Ordinance No. X-06-79
Bill No. X-79-10-32
Annexation Ordinance No. X-09-79

Bill No. G-79-08-21 (AS AMENDED) (AS AMENDED)
General Ordinance No. G-24-79

Bill No. G-79-10-11
General Ordinance No. G-23-79

November 8, 1979

Page 2

Please send us five (5) copies of each of the above the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman

Charles W. Westerman
City Clerk

CWW/ne

ENCL: 5

ANNEXATION ORDINANCE
NO. X-07-79

AN ORDINANCE annexing cer-
tain territory to the City of Fort
Wayne, and including the same in
Councilmanic District No. 4 effective
February 1, 1980.

BE IT ORDAINED BY THE COM-
MON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the following de-
scribed territory be and the same is
hereby annexed to and made a part
of the Corporation of the City of Fort
Wayne, Indiana, effective February
1, 1980 to-wit:

Part of Sections 4 and 5, Township
30 North, Range 12 East, more par-
ticularly described as follows:

Beginning on the west line of Lot
14 Romy's Sub. as recorded in Plat
Book 5, Page 4, and the north right
of way of Illinois Rd.; thence north
on said west line to the south right
of way line of the Penn Central Rail-
road; thence southeasterly along
said right of way to the north right
of way of Illinois Road; thence West
along the north right of way to the
point of beginning; containing ap-
proximately 3.6 acres.

SECTION 2. Governmental and
proprietary services of the City of
Fort Wayne will be provided to the
above described area within a peri-
od of three (3) years of annexation
in a manner that is substantially
equivalent in standard and scope to
the governmental and proprietary
services furnished by the City to
other areas of the City which have
characteristics of topography, pat-
terns of land utilization and popula-
tion density similar to said
described territory.

SECTION 3. The procedures for
providing governmental and prop-
rietary services to the above de-
scribed area are outlined in the
fiscal plan for the area developed by
the Department of Community De-
velopment and Planning, which plan
is examined, approved and adopted
by the Common Council prior to the
passage of this ordinance.

SECTION 4. Said annexed territo-
ry shall be part of Councilmanic Dis-
trict No. 4 of the City of Fort Wayne,
Indiana as described in Section 2 of
Article II of the Code of the City of
Fort Wayne, Indiana, 1974.

SECTION 5. After its passage, ap-
proval by the Mayor, final publica-
tion and the required sixty (60) day
remonstrance period, this ordinance
shall be in full force and effect on
February 1, 1980.

James S. Siler, Councilman
Read the third time in full and on
motion by Siler, seconded by Talarico,
co. and duly adopted, placed on its
passage. PASSED by the following
votes:

Ayes: Eight
Burns, Hinge, Hunter, Moses, O.
Schmidt, V. Schmidt, Siler, Talarico
Nays: One

Nickola
Date: 10-9-79

Charles W. Westerman, City Clerk
Passed and adopted by the Com-
mon Council of the City of Fort
Wayne, Indiana, as Annexation Or-
dinance No. X-07-79 on the 9th day of
October, 1979.

ATTEST: (SEAL)
Winfield C. Moses, Jr.,
Presiding Officer

City Clerk, Charles W. Westerman
Presented by me to the Mayor of
the City of Fort Wayne, Indiana, on
the 10th day of October, 1979, at the
hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman, City Clerk
Approved and signed by me this
17th day of October, 1979, at the
hour of 10:00 o'clock A.M., E.S.T.

Robert E. Armstrong, Mayor
I, Charles W. Westerman, Clerk of
the City of Fort Wayne, Indiana, do
hereby certify that the above and
foregoing is a full, true and com-
plete copy of Annexation Ordinance
No. X-07-79 passed by the Common
Council on the 9th day of October,
1979 and that said Ordinance was
duly signed and approved by the
Mayor on the 17th day of October,
1979, and now remains on file and on
record in my office.

WITNESS my hand, and the offi-
cial seal of the City of Fort Wayne,
Indiana, this 17th day of October,
1979.

(SEAL)
Charles W. Westerman, City Clerk
Notice is hereby given that on the
23rd day of October, 1979, the Com-
mon Council of the City of Fort
Wayne, Indiana, in a Regular Ses-
sion did pass the following BILL NO.
X-79-10-33, X-79 Annexation Ordinance, to-wit:

BILL NO. X-79-10-33
ANNEXATION ORDINANCE
NO. X-07-79

AN ORDINANCE AMENDING
ANNEXATION ORDINANCE NO.
X-07-79 AS AMENDED.

WHEREAS, heretofore on October
5, 1979, the Common Council of the
City of Fort Wayne did pass Ordinance
No. X-07-79, AS AMENDED; and
WHEREAS, said Ordinance was
duly presented to the Mayor of the
City of Fort Wayne on October 16,
1979, and approved and signed by
the Mayor of the City of Fort
Wayne, on October 17, 1979 at 10:00
o'clock A.M., E.S.T.; and

WHEREAS, said Ordinance as
subsequently Amended was received
by the Common Council of the City
of Fort Wayne from the City Plan
Commission prior to September 1,
1979; and

WHEREAS, the law of the State of
Indiana was changed affecting an-
nexations occurring after September
1, 1979 by IC 18-5-10-25 in that the
provisions of Section 2 of said An-
nexation Ordinance No. X-07-79, as
Amended were no longer applicable;
and

WHEREAS, in keeping with policy
of the City Plan Commission
adopted subsequent to the enact-
ment of said IC 18-5-10-25 said Sec-
tion 2 in said Ordinance would no
longer be applicable, but a new Sec-
tion 2 should be substituted therefor;
and

WHEREAS, said City Plan Com-
mission did recommend that a new
Section 2 be substituted for said Sec-
tion 2, as set forth in Annexation Or-
dinance No. X-07-79 as Amended,
but through error and inadvertence
the Common Council of the City of
Fort Wayne failed to include said
new Section 2, but did include the
old Section 2 which is no longer the
fiscal policy of the City of Fort
Wayne, nor the law of the State of
Indiana.

NOW THEREFORE, in order to
conform with the Indiana State Law
IC 18-5-10-25 and the policy of the
City of Fort Wayne:

BE IT ORDAINED BY THE COM-
MON COUNCIL OF THE CITY OF
FORT WAYNE THAT Section 2 of An-
nexation Ordinance No. X-07-79 as
Amended be deleted in its entirety
and the following new Section 2 be
substituted in lieu thereof as fol-
lows:

SECTION 2. It is the policy of the
City of Fort Wayne to furnish the
above described territory within a
period of one (1) year governmental
services of a non-capital nature in a
manner which is equivalent in stan-
dard and scope to those non-capital
services provided to areas within
the City which have similar topogra-
phy, patterns of land utilization, and
population density to the said de-

Form Prescribed by S
Fort Wayne

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Allen

LINE COUNT

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COMPUTATION OF CH

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Addition

Charge

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Width of

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Pursuant to the provision

General Form No. 99 P (Rev. 1967)

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

all lines, neither of which shall total more than four solid lines
the advertisement is set) - number of equivalent lines

272

1

273

lines wide equals 273 equivalent lines at 259¢ \$70.71

for tabular work (50 per cent of above amount)

cents for each proof in excess of two 3 extra 1.50

72.21

Size of type 5 1/2 point

Size of quad upon which type is cast 5 1/2

foregoing is a full, true and complete copy of the Ordinance No. X-07-79 passed by the Common Council on the 9th day of October, 1979, and that said Ordinance was duly signed and approved by the Mayor on the 17th day of October, 1979, and now remains on file and on record in my office.

Form Prescribed by State

General Form No. 99 P (Rev. 1967)

Fort Wayne Co

To JOURNAL-GAZETTE Dr.

Allen

FORT WAYNE, INDIANA

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I hereby certify that the has been paid.

Date Nov. 21

ATTACH (ADVERTISE)

Notice is hereby given that on the 9th day of October, 1979, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. X-79-06-33 (AS AMENDED), X-07-79 Annexation Ordinance, to wit:

Notice is hereby given that on the 23rd day of October, 1979, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. X-79-10-33, X-10-79 Annexation Ordinance, to wit:

BILL NO. X-79-10-33 ANNEXATION ORDINANCE NO. X-10-79

AN ORDINANCE AMENDING ANNEXATION ORDINANCE NO. X-07-79, AS AMENDED

WHEREAS, heretofore on October 9, 1979, the Common Council of the City of Fort Wayne did pass Ordinance No. X-07-79, As Amended; and

WHEREAS, said Ordinance was duly presented to the Mayor of the City of Fort Wayne on October 10, 1979, and signed and signed by the Mayor of the City of Fort Wayne, on October 17, 1979 at 10:00 o'clock A.M., E.S.T.; and

WHEREAS, said Ordinance as subsequently Amended was received by the Common Council of the City of Fort Wayne from the City Plan Commission prior to September 1, 1979; and

WHEREAS, the law of the State of Indiana was changed affecting annexations occurring after September 1, 1979 by IC 18-5-10-25 in that the provisions of Section 2 of said Annexation Ordinance No. X-07-79, as Amended were no longer applicable; and

WHEREAS, in keeping with policy of the City Plan Commission adopted subsequent to the enactment of said IC 18-5-10-25 said Section 2 in said Ordinance would no longer be applicable, but a new Section 2 should be substituted therefor; and

WHEREAS, said City Plan Commission did recommend that a new Section 2 be substituted for said Section 2, as set forth in Annexation Ordinance No. X-07-79 as Amended, but through error and inadvertence the Common Council of the City of Fort Wayne failed to include said new Section 2, but did include the old Section 2 which is no longer the fiscal policy of the City of Fort Wayne, nor the law of the State of Indiana;

NOW THEREFORE in order to conform with the Indiana State Law IC 18-5-10-25 and the policy of the City of Fort Wayne

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE that Section 2 of Annexation Ordinance No. X-07-79 as Amended be deleted in its entirety and the following new Section 2 be substituted in lieu thereof as follows:

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of one (1) year governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital (improvement) nature to the annexed territory within three (3) years in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

In all other respects except as hereinabove amended said Annexation Ordinance No. X-07-79, as Amended shall be in full force and effect as therein provided.

James S. Siler, Councilman Read the third time in full and on motion by Siler, seconded by V. Schmidt, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight
Burris, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Siler, Talarico
Nays: One
Nuckols

Dated: 10-23-79
Charles W. Westerman, City Clerk Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-10-79 on the 23rd day of October, 1979.

ATTEST: (SEAL)
Winfield C. Moses, Jr., Presiding Officer

Charles W. Westerman, City Clerk Read the third time in full and on motion by Siler, seconded by V. Schmidt, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight
Burris, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Siler, Talarico
Nays: One
Nuckols

Dated: 11-21-79
Charles W. Westerman, City Clerk Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-10-79 on the 23rd day of October, 1979.

Robert E. Armstrong, Mayor I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-10-79 passed by the Common Council on the 23rd day of October, 1979, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of October, 1979 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of October, 1979.

Charles W. Westerman, City Clerk 11-14-21

PUBLISHER'S CLAIM

lines, neither of which shall total more than four solid lines advertisement is set) - number of equivalent lines

272

1

273

is wide equals 273 equivalent lines at .259¢ \$ 70.71

for tabular work (50 per cent of above amount)

nts for each proof in excess of two) 3 extra 1.50

\$ 72.21

ct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Arville DeWald

Title CLERK

PUBLISHER'S AFFIDAVIT

iana

ounty SS:

/ appeared before me, a notary public in and for said county and state, the ed ARVILLE DEWALD who, being duly sworn, says

CLERK

JOURNAL-GAZETTE

DAILY

newspaper of general circulation printed and published

glish language in the city of FORT WAYNE, INDIANA town

and county aforesaid, and that the printed matter attached hereto is a true copy, s duly published in said paper for two times the dates of publication being

11/14 - 11/21/79

d and sworn to before me this 21 st

September 28, 1983

Notary Public

Fort Wayne Common Council

(Governmental Unit)

To JOURNAL-GAZETTE Dr

Allen

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

272

1

273

COMPUTATION OF CHARGES

273 lines, 1 columns wide equals 273 equivalent lines at .259¢ \$ 70.71
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 3 extra

TOTAL AMOUNT OF CLAIM.

\$ 72.21

DATA FOR COMPUTING COST

Width of single column 9.9 cms

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 3½

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date Nov. 21 19 79

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

DAILY

newspaper of general circulation printed and published
the English language in the city of FORT WAYNE, INDIANA

state and county aforesaid, and that the printed matter attached hereto is a true copy,
it was duly published in said paper for two times, the dates of publication being
follows:

11/14 - 11/21/79

Subscribed and sworn to before me this 21 st day of November 19 79

Arvilla DeWald

Notary Public
September 26, 1983

ATTN
ADVER

Form Prescribed

General Form No. 99 P (Rev. 1967)

Fort Wayne

NEWS-SENTINEL Dr.

Atten

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

Two actual lines, neither of which shall total more than four solid lines
of the advertisement is set) = number of equivalent lines

272

1

273

notice

columns wide equivalent 273 equivalent lines at .25¢ \$ 70.71

any rate or tabular work 50 per cent of above amount)

3 extra

1.50

on 15¢ cents for each proof in excess of two)

CLAIM

\$ 72.21

COMPUTATION

DATA FOR CO

Size of type 5/8 point

Size of quad upon which type is cast 5/8

Pursuant to the

Acts 1967

I hereby certify
has been paid.

and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

V. E. Gerken

Date Nov 2

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
Allen County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, V. E. GERKEN

that she is, CLERK of the

NEWS-SENTINEL

DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being

as follows: 11/14 - 11/21/79

V. E. Gerken

Subscribed and sworn to before me this

21 st day of November 1979

Harry J. O'Neil
Notary Public

My commission expires

September 28, 1983

17th day of October, 1979, at the hour of 10:00 o'clock A.M., E.S.T.
Robert E. Armstrong, Mayor
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-87-79 passed by the Common Council on the 9th day of October, 1979 and that said Ordinance was duly signed and approved by the Mayor on the 17th day of October, 1979, and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 17th day of October, 1979.
(SEAL)
Charles W. Westerman, City Clerk
Notice is hereby given that on the 23rd day of October, 1979, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL, NO. X-79-10-33, X-10-79 Annexation Ordinance, to-wit:
BILL NO. X-79-10-33
AN ANNEXATION ORDINANCE NO. X-10-79
AN ORDINANCE AMENDING ANNEXATION ORDINANCE NO. X-87-79, AS AMENDED.
WHEREAS, heretofore on October 9, 1979, the Common Council of the City of Fort Wayne did pass Ordinance No. X-87-79, As Amended; and
WHEREAS, said Ordinance was duly presented to the Mayor of the City of Fort Wayne on October 10, 1979, and approved and signed by the Mayor of the City of Fort Wayne, on October 17, 1979 at 10:00 o'clock A.M., E.S.T.; and
WHEREAS, said Ordinance as subsequently Amended was received by the Common Council of the City of Fort Wayne from the City Plan Commission prior to September 1, 1979; and
WHEREAS, the law of the State of Indiana was changed effecting annexations occurring after September 1, 1979 by IC 18-5-10-25 in that the provisions of Section 2 of said Annexation Ordinance No. X-87-79, as Amended were no longer applicable; and
WHEREAS, in keeping with policy of the City Plan Commission adopted subsequent to the enactment of said IC 18-5-10-25 said Section 2 in said Ordinance would no longer be applicable, but a new Section 2 should be substituted therefor; and
WHEREAS, said City Plan Commission did recommend that a new Section 2 be substituted for said Section 2, as set forth in Annexation Ordinance No. X-87-79, as Amended, but through error and inadvertence the Common Council of the City of Fort Wayne failed to include said new Section 2, but did include the old Section 2 which is no longer the fiscal policy of the City of Fort Wayne, nor the law of the State of Indiana;
NOW THEREFORE in order to conform with the Indiana State Law IC 18-5-10-25 and the policy of the City of Fort Wayne:
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE that Section 2 of Annexation Ordinance No. X-87-79 as Amended be deleted in its entirety and the following new Section 2 be substituted in lieu thereof as follows:
SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of one (1) year governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory within three (3) years in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.
In all other respects except as hereinabove amended said Annexation Ordinance No. X-87-79, as Amended shall be in full force and effect as therein provided.
James S. Siler, Councilman
Read the third time in full and on motion by Siler, seconded by V. Schmidt, and duly adopted, placed on its passage. PASSED by the following vote:
Ayes: Eight
Burns, Hings, Hunter, Moses, D. Schmidt, V. Schmidt, Siler, Talalico
Nays: One
Nuckols
Date: 10-23-79
Charles W. Westerman, City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-10-79 on the 23rd day of October, 1979.
ATTEST: (SEAL)
Winfred C. Moses, Jr., Presiding Officer
Charles W. Westerman, City Clerk
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.
Charles W. Westerman, City Clerk
Approved and signed by me this 29th day of October, 1979, at the hour of 9:00 o'clock A.M., E.S.T.
Robert E. Armstrong, Mayor
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-10-79 passed by the Common Council on the 23rd day of October, 1979, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of October, 1979 and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of October, 1979.
Charles W. Westerman, City Clerk
11-14-21

Fort Wayne Common Council
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen

County, Ind.

PORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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1.50

TOTAL AMOUNT OF CLAIM

\$ 72.21

DATA FOR COMPUTING COST

Width of single column 9.9 ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. Gerken

Nov. 21 79

Date

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
Allen County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

DAILY

newspaper of general circulation printed and published in the English language in the city of PORT WAYNE, INDIANA town

in state and country aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows:

11/14 - 11/21/79

Subscribed and sworn to before me this 21 st day of November 19 79

My commission expires

September 28, 1983

V. E. Gerken

Notary Public

